

# ADMINISTRATIVE PLAN FOR THE 11<sup>TH</sup> JUDICIAL CIRCUIT WEST

## INTRODUCTION

Pursuant to Administrative Order Number 14, Arkansas Supreme Court, and the Per Curiam of January 30, 2003, the sitting Judges of the 11<sup>th</sup> Judicial Circuit West tender for the Arkansas Supreme Court's approval this administrative plan.

This plan used the case filing statistics prepared by the Administrative Office of the Courts for the calendar years 2005 and 2006. The 2006 statistical information has not yet been audited or verified, but the judges believe it to be accurate. However, the judges in this circuit note that while the case filings are the primary determinor of the statistical divisions, each judge, especially in the juvenile division, handle many more hearings than are reported to the AOC. The Administrative Office of the Courts shows filings of 9,561 cases in 2005 and 8,562 cases in 2006, creating an average number of cases filed for that two year period of 9,062 cases. This results in an average case filing per judge of 1,510 cases.

One goal of this plan is to equalize the caseload using the current information available. We also want to deliver efficient judicial services to the people of the 11<sup>th</sup> Circuit West. In tailoring this plan, the authors also considered the special circumstances within this judicial circuit, the individual experience of the judges, the types of cases each judge desired to hear, and especially the resources available within this judicial circuit.

## PREFERENCE, EXPERIENCE AND RESOURCES

Three of our current judges have never presided over a jury trial, either civil or criminal. One of our circuit judges has been on the bench less than two years; another circuit judge has been on the bench less than three years; a third circuit judge has been on the bench less than five years; two of our judges are currently in their fifteenth years, and one circuit judge is in his seventeenth year. One of the judges has over fourteen years experience in hearing domestic and

probate matters. Another judge has four and a half years experience in hearing domestic relations and probate matters. Both of these judges expressed a desire not to hear any civil matters. Three circuit judges prefer hearing only civil and criminal matters. One judge has been hearing juvenile cases over sixteen years, and the other judges in the district have occasionally filled in and therefore have some peripheral knowledge of these matters.

The 11<sup>th</sup> Judicial Circuit West consists of two counties, Jefferson and Lincoln. The courthouses are in Pine Bluff and Star City, the county seats, and are approximately 26 miles apart. The sitting judges have permanent chambers in Pine Bluff.

The Jefferson County Courthouse has five courtrooms. The two large courtrooms have jury boxes, jury rooms, glassed-in media observation rooms and bailiff offices. These courtrooms are next to the secure elevator used for prisoner transportation and just above the Sheriff's Office for security. The chambers of the two judges who currently try criminal and civil jury trials surround the jury courtrooms. At the opposite end of the courthouse, approximately 75 feet away, are two smaller courtrooms without jury boxes or additional rooms. These courtrooms are beside the chambers of the two judges who currently hear domestic relations and probate cases. Additionally, a new jury courtroom has just been completed which is close to the chambers of our third circuit judge who hears both civil and criminal cases. A new jury deliberation room has been established inside the Jefferson County Law Library. While this courtroom is less secure for transportation of incarcerated defendants, it does enhance our abilities for each of the three circuit judges to hear and try criminal jury trials. Thus, there are now three jury courtrooms at the courthouse in Pine Bluff.

The Juvenile Justice Center is approximately two blocks east of the courthouse. This center has an intake and detention center, a nonjury courtroom, the judge's chambers and offices for the approximately 16 Juvenile Court staff members presently hired by the sitting Circuit

Judge, Juvenile Division. The Circuit Clerk also maintains offices in this facility as an adjunct Circuit Clerk's office for the processing and maintaining of the juvenile case files and for the filing of any legal pleadings or other documents related to those juvenile case files. The Circuit Clerk maintains this office daily, and the juvenile court files are located there. In addition, this plan considered the logistical difficulties of transporting juvenile detainees from the secure environment of the Juvenile Justice Center to the courtrooms at the courthouse.

The courthouse in Star City has one large jury box equipped courtroom complete with jury room and a small library/temporary judge's chambers nearby. The six circuit judges and the district judge share this courtroom. Moreover, the courthouse does not have the space, nor does Lincoln County have the funds, to add additional space for courtrooms.

The offices of the prosecutor, public defender, probation department (Criminal Division of Circuit Court), the child support unit, intake and probation (Juvenile Division of Circuit Court), mental health and the Sheriff's Department do not have the personnel to cover each judge's calendar. Our plan considered these participants as a factor in not having each judge routinely handle every kind of case.

#### CASE ALLOCATION AND ANTICIPATED WORKLOAD

Recognizing that each judge has the authority to hear, and must be prepared to hear, any type of case, this plan allocates the cases to our six circuit judges based upon the above factors. Accordingly, with the effective date of this plan, the Circuit Clerks will assign all cases in this circuit as follows:

<b>Division</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
<b>Criminal</b>	43%	23%	0%	0%	34%	0%
<b>Civil</b>	0%	70%	0%	0%	30%	0%
<b>Domestic Relations</b>	0%	1%*	50%	50%	0%	0%
<b>Probate</b>	0%	0%	50%	50%	0%	0%
<b>Juvenile</b>	0%	0%	0%	0%	0%	100%

*\*Inmate Case filings*

Moreover, divisions 3 and 4 handle hundreds of contempt filings related to closed divorce or paternity cases. In addition, division 6 handles hundreds of DHS case reviews, FINS case reviews and probation reviews. None of these reviews are counted in the statistical reports of the Administrative Office of the Courts. This plan does not reflect these cases since they are not in the statistical analysis, but they are considered as a strong secondary factor in establishing the time and workloads of the various judges.

The 2nd division will specifically be assigned by the Clerks of both counties all criminal charges filed against inmates in either county and all post-conviction inmate filings arising out of those criminal proceedings. In addition, the 2nd division will handle all matters filed by inmates in the judicial district insofar as domestic relations matters are concerned. When a Department of Correction criminal case is assigned to the 2<sup>nd</sup> division, a case from the 2<sup>nd</sup> division will be assigned to either the 1<sup>st</sup> or 5<sup>th</sup> division in order to more evenly divide the cases between these three divisions.

Pursuant to Amendment 80 and the Supreme Court *Per Curium*, Division 1 of Circuit Court (Judge Berlin Jones) has established and is continuing to hear "drug court" cases. All cases wherein a defendant will be participating in the "drug court" program shall be transferred

to Division 1. The Clerk of the Court will then ensure that a criminal case chip is removed from Division 1's container and placed into the container for the transferring judge.

The Circuit Clerks will assign all paternity/child support cases randomly to Divisions 3 and 4, including any old cases wherein body attachments might arise even though those cases originated in Divisions 5 or 6. Upon the complete termination of any paternity or child support case in Divisions 5 and 6, if a reopening of the case occurs, the Circuit Clerks will assign that case randomly to divisions 3 or 4.

#### RECUSALS AND REQUESTS FOR SPECIAL JUDGE

If a judge recuses in the criminal, civil, domestic relations or probate divisions, the Circuit Clerk will first assign the case on a random basis to one of the judges who normally handles that particular subject matter. If all judges who handle that particular subject matter recuse in the case, then the Clerk will assign the case randomly to another judge whether or not that judge routinely hears that subject matter.

For recusals in a delinquent case in the Juvenile Division of Circuit Court, the Circuit Clerk will assign that case randomly to a judge who normally hears cases in the criminal division of Circuit Court (Divisions 1, 2 and 5). Concerning any other recusal in the Juvenile Division of Circuit Court (in DHS or FINS cases), the Circuit Clerk will assign the case randomly to a judge who normally handles cases in the domestic relations division of Circuit Court.

The circuit judges of this circuit will only submit a request to the Administrative Office of the Courts for the appointment of a special judge when all judges in this district have recused from hearing a particular matter. For the assignment of a special judge, the judges will follow the procedure as outlined in the Per Curiam Opinion of February 6, 2003.

If Judge Dennis recuses in a case due to a conflict of interest with her husband's law firm and that matter is transferred to another judge, then the Clerk shall randomly assign another case of a similar nature (civil or criminal) to Judge Dennis.

Lastly, the Circuit Clerk is directed to maintain an accurate and up-to-date recusal and transfer book. The Clerk is directed to note any and all transfers of cases whether due to recusals or civil or criminal transfers from one judge to another in this book. In addition, the Clerk is directed to scrupulously maintain this transfer book, especially in the area of civil case transfers due to conflicts of interest.

#### DEFENDANTS IN JAIL

This circuit will conduct first appearances, bond hearings, plea and arraignments and Rule 8.1 hearings three times weekly for those defendants arrested and incarcerated in the Jefferson and Lincoln County Detention Centers. Currently, and as part of this plan, the circuit judge of the 5th division will handle these matters on Mondays; the circuit judge of the 1st division will handle these matters on Wednesdays; and the circuit judge of the 2nd division will handle these matters on Fridays. Additionally, all circuit judges will follow their regular schedules for other appearances in Lincoln County and conduct those hearings for the defendants in the Lincoln County Detention Center other than the initial Rule 8.1 hearings.

#### PERIODIC MEETINGS

The judges of this circuit agree that periodic meetings will be beneficial to the administration of justice and will meet at least quarterly.

## RANDOM ASSIGNMENT OF CASES

The Circuit Clerks will use a blind, random selection system for the initial assignment of cases and for assignment after a recusal. Since four divisions will handle differing percentages of cases in four of the subject matters, the Circuit Clerks will maintain a container for each subject matter division except the juvenile division. The Circuit Clerks may use the present system of chips and containers for each division if the primary chip container is opaque and closed. Moreover, the Circuit Clerks must design the original chip container so each chip is released randomly one at a time. Once a chip has been released, it will then be placed into a second container. When a circuit judge recuses in a particular case, the Circuit Clerk will remove a chip representing that judge's division from the second container and place that chip back into the original chip container. After the chips in the chip container are entirely used, the process will begin again by the Circuit Clerks removing the chips in the second container and placing those chips back into the original chip container.

The Circuit Clerks will allocate the chips in the original chip container for each subject matter division as follows:

<b>Criminal</b>	<b>Civil</b>	<b>Domestic Relations</b>	<b>Probate</b>
1 <sup>st</sup> Div - 86 chips	2 <sup>nd</sup> Div - 140 chips	3 <sup>rd</sup> Div - 200 chips	3 <sup>rd</sup> Div - 150 chips
2 <sup>nd</sup> Div - 46 chips	5 <sup>th</sup> Div - 60 chips	4 <sup>th</sup> Div - 200 chips	4 <sup>th</sup> Div - 150 chips
5 <sup>th</sup> Div - 68 chips			

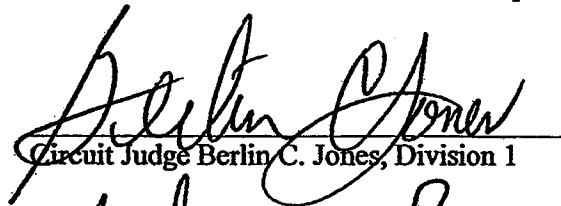
In addition, the Clerk will automatically assign all inmate filed matters (herein defined as Writs of Habeas Corpus, Writs of Mandamus, Rule 37 Petition, Petitions for Name Change and Divorce Complaints) to the 2nd division judge in both Jefferson and Lincoln Counties. As previously stated, all felony criminal charges filed against an inmate will be assigned to the 2nd division in both Jefferson and Lincoln Counties.

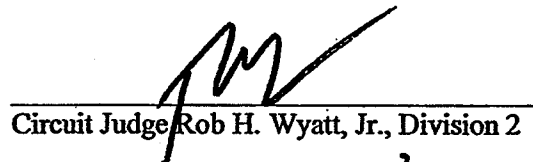
MISCELLANEOUS

The circuit judges of this circuit recognize that any judge may act for another judge in an emergency or under unusual circumstances or may sign routine uncontested matters or orders arising therefrom.

Circuit Judge Thomas E. Brown is the administrative judge. His term expires January 31, 2009. The effective date of this administrative plan is January 1, 2008.

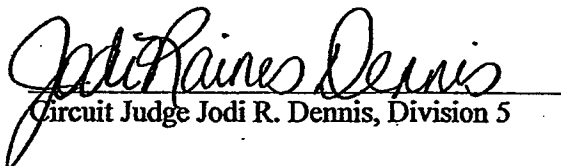
Respectfully submitted,

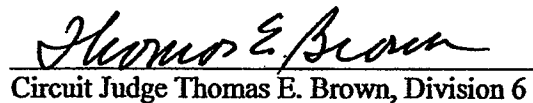
  
Circuit Judge Berlin C. Jones, Division 1

  
Circuit Judge Rob H. Wyatt, Jr., Division 2

  
Circuit Judge William W. Benton, Division 3

  
Circuit Judge Leon M. Jamison, Division 4

  
Circuit Judge Jodi R. Dennis, Division 5

  
Circuit Judge Thomas E. Brown, Division 6

Dated this 30 day of MAY, 2007.

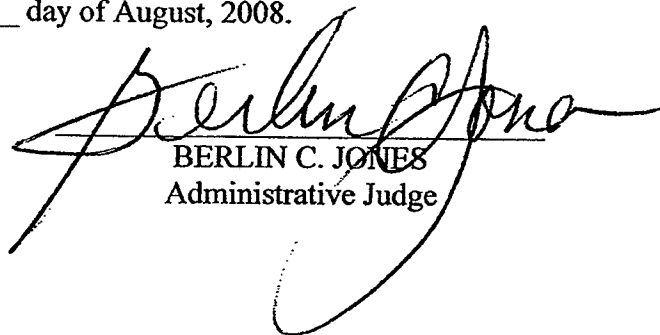


**AMENDMENT TO**  
**ADMINISTRATIVE PLAN FOR THE 11<sup>th</sup> JUDICIAL CIRCUIT WEST**

The Administrative Plan of the 11<sup>th</sup> Judicial Circuit West shall be amended as follows:

The 5<sup>th</sup> Division will specifically be assigned by the Clerks of both counties all criminal charges filed against an inmate in either county and all post-conviction inmate filings arising out of those criminal proceedings. In addition, the 5<sup>th</sup> Division will handle all matters filed by inmates in a judicial district insofar as domestic relations matters are concerned. When a Department of Correction criminal case is assigned to the 5<sup>th</sup> Division, a case from the 5<sup>th</sup> Division will be assigned to either the 1<sup>st</sup> or 2<sup>nd</sup> Division in order to more evenly divide the cases between these three divisions. This Amendment shall be effective September 1, 2008.

IT IS SO ORDERED, this 18<sup>th</sup> day of August, 2008.

  
BERLIN C. JONES  
Administrative Judge